

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

10-CA-088212

Date Filed

8/28/12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Sitel Operating Corporation

b. Tel. No. 828-277-4900

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

1636 Hendersonville Road
Suite 16
Asheville, NC 28803-3100

e. Employer Representative

Jean Harmon

g. e-Mail

jean.harmon@sitel.com

h. Number of workers employed
500+

i. Type of Establishment (factory, mine, wholesaler, etc.)

Call service center

j. Identify principal product or service

Outsourcing customer call center

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Beginning about the week of August 1st 2012 management representatives of the above named employer intimidated and harassed a number of separate employees in various locations in retaliation for their protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

International Brotherhood of Electrical Workers

4a. Address (Street and number, city, state, and ZIP code)

125 Lonnie Gentry Road
Roxboro, NC 27574 - 8027

4b. Tel. No.

4c. Cell No. 336-592-5961

4d. Fax No. 336-597-2229

4e. e-Mail

david_haynes@ibew.org

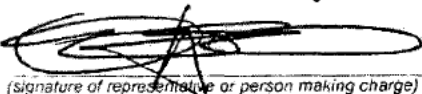
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Electrical Workers

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

David Haynes, Interntl. Organizer IBEW

(Print type name and title or office, if any)

Tel. No

336-592-5961

Office, if any, Cell No.

336-592-5961

Fax No.

336-597-2229

e-Mail

Address

125 Lonnie Gentry Rd. Roxboro, NC 27574-8027

8-28-2012

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

October 31, 2012

JOHN T. MERRELL, ESQ.
OLGTREE DEAKINS NASH SMOAK STEWARD
PO BOX 2757
GREENVILLE, SC 29602-2757

Re: SITEL OPERATING CORPORATION
Case 10-CA-088212

Dear MERRELL:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink that reads "Claude T. Harrell Jr." The signature is written in a cursive, flowing style.

Claude T. Harrell Jr.
Regional Director

cc: JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE RD
STE 16
ASHEVILLE, NC 28803-3100

DAVID HAYNES, INTERNATIONAL
ORGANIZER IBEW
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS
125 LONNIE GENTRY RD
ROXBORO, NC 27574-8027



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

September 7, 2012

JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE RD
STE 16
ASHEVILLE, NC 28803

Re: SITEL OPERATING CORPORATION
Case 10-CA-088763

Dear Ms. Harmon:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Field Attorney ROSETTA B. LANE whose telephone number is (336)631-5250.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the

investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

September 7, 2012

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Claude T Harrell Jr". The signature is written in a cursive, slightly slanted style.

Claude T. Harrell Jr.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

SITEL OPERATING CORPORATION

CASE NUMBER

10-CA-088763

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SITEL OPERATING CORPORATION

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS**

Charging Party

Case 10-CA-088763

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 7, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE RD
STE 16
ASHEVILLE, NC 28803

September 7, 2012

Date

Lisa A. Davis, Designated Agent of NLRB

Name

Lisa A. Davis

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-088763	10/31/12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SITEL OPERATING CORPORATION		b. Tel. No. (828)277-4900
d. Address (street, city, state, ZIP code) 1636 HENDERSONVILLE RD, STE 16, ASHEVILLE, NC 28803		c. Cell No. f. Fax No. (828)349-2693
e. Employer Representative JEAN HARMON		g. e-Mail
i. Type of Establishment (factory, nursing home, hotel) Call Service Center		h. Dispute Location (City and State) ASHEVILLE, NC
j. Principal Product or Service Outsourcing customer call center		k. Number of workers at dispute location 500+

1. The above named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about August 31, 2012, representatives of the company initiated and/or allowed the circulation of anti-union petitions to employees in the workplace during work time.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS


4a. Address (street and number, city, state, and ZIP code) 125 LONNIE GENTRY RD, ROXBORO, NC 27574-8027	4b. Tel. No. (336)592-5961
	4c. Cell No. (336)592-5961
	4d. Fax No. (336)597-2229
	4e. e-Mail david_haynes@ibew.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Electrical Workers

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 
(signature of representative or person making charge)

DAVID HAYNES

Print Name and Title

Address: 125 LONNIE GENTRY RD,
ROXBORO, NC 27574-8027

Date: 10-31-2012

Tel. No.
(336)592-5961

Office, if any: Cell No.
(336)592-5961

Fax No.
(336)597-2229

e-Mail
david_haynes@ibew.org

WILFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

So that the information on this form is authorized by the National Labor Relations Act (NLRBA), 29 U.S.C. § 51 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 3, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11

SITEL OPERATING CORPORATION

and

Case 10-CA-088763

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing, which is based on a charge filed by International Brotherhood of Electrical Workers, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board), and alleges that Sitel Operating Corporation (Respondent) has violated the Act by engaging in the following unfair labor practice:

1.

(a) The charge in this proceeding was filed by the Charging Party on September 6, 2012, and a copy was served by regular mail on Respondent on September 7, 2012.

(b) The first amended charge in this proceeding was filed by Charging Party on October 31, 2012, and a copy was served by regular mail on Respondent on October 31, 2012.

2.

At all material times, Respondent has been a corporation with an office and place of business in Asheville, North Carolina (Respondent's facility), and has been engaged in providing call center work for health insurance and financial industries.

3.

In conducting its operations described above in paragraph 3 during the calendar year ending December 31, 2011, Respondent provided services valued in excess of \$50,000 directly to businesses located outside the State of North Carolina.

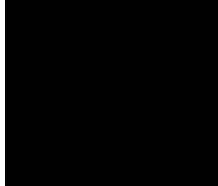
4.

At all material times Respondent has been an employer engaged in commerce within the meaning of Section 2(2), 2(6), and (7) of the Act.

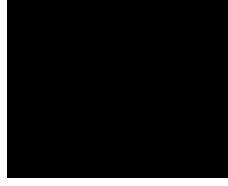
5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



-
-
-

6.

(a) At all material times, Respondent has maintained a work rule prohibiting employees from engaging in solicitation when the person soliciting or the person being solicited is on working time.

(b) On or about August 31, 2012, and continuing until September 10, 2012, Respondent permitted employees to obtain signatures on anti-union petitions when employees were on working time, in violation of the rule set out in paragraph 6(a), in order to discourage union activity.

7.

By the conduct described above in paragraph 6(b), Respondent has been interfering with, restraining, and coercing employees in the exercise of rights guaranteed in Section 7 of the Act.

8.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 13, 2012, or postmarked on or before December 12, 2012.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be

transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the **8th day of March, 2013, at 10:00 a.m. at a place to be designated in Asheville, North Carolina**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Winston-Salem, North Carolina, on the **29th day of November, 2012.**



Claude T. Harrell Jr., Regional Director
National Labor Relations Board
Region 10, Subregion 11
4035 University Parkway, Suite 200
P. O. Box 11467
Winston-Salem, North Carolina 27116-1467

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11

SITEL OPERATING CORPORATION

and

Case 10-CA-088763

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

NOTICE OF PLACE OF HEARING

PLEASE TAKE NOTICE that the hearing in the above-captioned matter, scheduled for March 8, 2013, at 10:00 a.m., will be held in the **U.S. Federal Bankruptcy Courthouse, Courtroom 111, 100 Otis Street, Asheville, North Carolina 28801.**

Dated: January 24, 2013



Claude T. Harrell Jr.

Claude T. Harrell, Jr., Regional Director
National Labor Relations Board
Region 10, Subregion 11
4035 University Parkway, Suite 200
Winston-Salem, North Carolina 27106-3275

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10, SUBREGION 11**

SITEL OPERATING CORPORATION

and

Case 10-CA-088763

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS**

AFFIDAVIT OF SERVICE OF: NOTICE OF PLACE OF HEARING

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 24, 2013, I served the above-entitled document(s) by post-paid **regular mail** upon the following persons, addressed to them at the following addresses:

JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE ROAD, STE 16
ASHEVILLE, NC 28803

JOHN T. MERRELL, ESQ.
OGLETREE DEAKINS NASH SMOAK & STEWART
PO BOX 2757
GREENVILLE, SC 29602-2757

DAVID HAYNES,
INTERNATIONAL ORGANIZER IBEW
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS
125 LONNIE GENTRY ROAD
ROXBORO, NC 27574-8027

January 24, 2013

Date

Lisa A. Davis, Designated Agent of NLRB

Name

/s/ Lisa A. Davis

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

SITEL OPERATING CORPORATION

Case 10-CA-088763

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICES — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places at its facility in Asheville, North Carolina, including all places where the Charged Party normally posts notices to employees. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

NON-ADMISSION CLAUSE — By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes JTM No
 Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party SITEL OPERATING CORPORATION		Charging Party INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO	
By: Name and Title	Date	By: Name and Title	Date
 /s/ John T. Merrell, Attorney	2/28/13	/s/ David Haynes, IBEW International Organizer	3/1/13
Recommended By:	Date	Approved By:	Date
 /s/ Sarah S. Bencini Attorney, Subregion 11		/s/ Jane P. North for CTH Regional Director, Region 10, Subregion 11	3/5/13

CERTIFICATION OF POSTING

RE: SITEL OPERATING CORPORATION
Case 10-CA-088763

1. Physical Posting

The Notice to Employees in the above matter was posted on (date) March 14, 2013
at the following locations: (List specific places of posting)

Human Resources

The Break Room

Bulletin Board - Back Entrance

CHARGED PARTY/RESPONDENT

By:

(b) (6), (b) (7)(C)

Title:

Date:

3/14/13

This form should be returned to the Regional Office, together with **TWO** original Notices, dated and signed in the same manner as those posted.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210

May 22, 2013

JOHN T. MERRELL, ESQ.
OLGTREE DEAKINS NASH SMOAK STEWARD
PO BOX 2757
GREENVILLE, SC 29602-2757

Re: SITEL OPERATING CORPORATION
Case 10-CA-088763

Dear Merrell:

The above-captioned case has been closed on compliance. However, this Office may institute further proceedings if subsequent violations occur.

Very truly yours,

Claude T. Harrell Jr.
Regional Director

By:

A handwritten signature in black ink that reads "Jane P. North".

Jane P. North
Officer in Charge

cc: JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE RD
STE 16
ASHEVILLE, NC 28803

DAVID HAYNES, INTERNATIONAL
ORGANIZER IBEW
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS
125 LONNIE GENTRY RD
ROXBORO, NC 27574-8027

INTERNET
FORM NLRB-501
(2-06)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER


FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
10-CA-091097Date Filed
10/11/12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Sitel Operating Corporation		b. Tel. No. 828-277-4900	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 1636 Hendersonville Road Suite 16 Asheville, NC 28803-3100		e. Employer Representative Jean Harmon	
		g. e-Mail jean.harmon@sitel.com	
		h. Number of workers employed 500+	
i. Type of Establishment (factory, mine, wholesaler, etc.) Call service center		j. Identify principal product or service Outsourcing customer call center	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months the employer has discriminated against employees that support union recognition and created a hostile work environment for supporters of the union.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number)			
International Brotherhood of Electrical Workers			
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No.	
125 Lonnie Gentry Road Roxboro, NC 27574 - 8027		4c. Cell No. 336-592-5961	
		4d. Fax No. 336-597-2229	
		4e. e-Mail david_haynes@ibew.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Electrical Workers			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 336-592-5961	
By  (signature of representative or person making charge)		Office, if any, Cell No. 336-592-5961	
David Haynes, Internatl. Organizer IBEW (Printtype name and title or office, if any)		Fax No. 336-597-2229	
Address 125 Lonnie Gentry Rd. Roxboro, NC 27574-8027		e-Mail david_haynes@ibew.org	
		10/11/2012 (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Form NLRB - 501 (2-06)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-091097	11-19-12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer SITEL OPERATING CORPORATION		b. Tel. No. (828)277-4900
		c. Cell No.
d. Address (street, city, state ZIP code) 1636 HENDERSONVILLE RD, STE 16, ASHEVILLE, NC 28803	e. Employer Representative JEAN HARMON	f. Fax No. (828)349-2693
		g. e-Mail
		h. Dispute Location (City and State) ASHEVILLE, NC
i. Type of Establishment (factory, nursing home, hotel) Call Service Center	j. Principal Product or Service Outsourcing Customer Call Center	k. Number of workers at dispute location 500+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months the employer has discriminated against employees that support union recognition and created a hostile work environment for supporters of the union.

On or about October 7 and 9, 2012, the Employer threatened employees with termination because of their union support and/or activities.

On or about October 8, 2012, the Employer aided in the solicitation of an anti-union petition.

On or about October 8, 2012, the Employer threatened employees with plant closure because of their union support.

On or about October 9, 2012, the Employer created the impression of surveillance of its employee's union support.

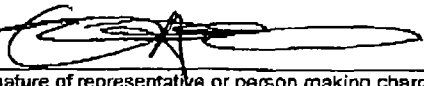
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

4a. Address (street and number, city, state, and ZIP code) 125 LONNIE GENTRY RD, ROXBORO, NC 27574-8027	4b. Tel. No. (336)592-5961
	4c. Cell No. (336)592-5961
	4d. Fax No. (336)597-2229
	4e. e-Mail david_haynes@ibew.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Electrical Workers

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (336)592-5961
By: 	DAVID HAYNES	Office, if any, Cell No. (336)592-5961
(signature of representative or person making charge)	Print Name and Title	Fax No. (336)597-2229
Address: 125 LONNIE GENTRY RD, ROXBORO, NC 27574-8027	Date: 11/16/2012	e-Mail david_haynes@ibew.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

November 19, 2012

JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE RD
STE 16
ASHEVILLE, NC 28803

Re: SITEL OPERATING CORPORATION
Case 10-CA-091097

Dear Ms. Harmon:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336) 631-5234. If the agent is not available, you may contact Field Examiner JENNIFER G. CORBIN whose telephone number is (336) 631-5196.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink that reads "Claude T. Harrell Jr." with a stylized flourish at the end.

Claude T. Harrell Jr.
Regional Director

Enclosure: Copy of first amended charge

cc: JOHN T. MERRELL, ESQ.
OGLETREE DEAKINS NASH SMOAK
& STEWART PC
300 N MAIN ST
STE 500
GREENVILLE, SC 29601-2159

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SITEL OPERATING CORPORATION

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS**

Charging Party

Case 10-CA-091097

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 19, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

JEAN HARMON
SITEL OPERATING CORPORATION
1636 HENDERSONVILLE RD
STE 16
ASHEVILLE, NC 28803

JOHN T. MERRELL, ESQ.
OGLETREE DEAKINS NASH SMOAK &
STEWART PC
300 N MAIN ST
STE 500
GREENVILLE, SC 29601-2159

November 19, 2012

Date

Lisa A. Davis, Designated Agent of NLRB

Name

/s/ Lisa A. Davis

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 UNIVERSITY PKWY STE 200
WINSTON SALEM, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

November 19, 2012

DAVID HAYNES, INTERNATIONAL ORGANIZER IBEW
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS
125 LONNIE GENTRY RD
ROXBORO, NC 27574-8027

Re: SITEL OPERATING CORPORATION
Case 10-CA-091097

Dear Mr. Haynes:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336) 631-5234. If the agent is not available, you may contact Field Examiner JENNIFER G. CORBIN whose telephone number is (336)631-5196.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink that reads "Claude T Harrell Jr". The signature is written in a cursive, flowing style.

Claude T. Harrell Jr.
Regional Director